

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**ELISHA SOLANO et al., individually
and on behalf of other customers,**

Plaintiffs,

v.

**THE KROGER CO., doing business as
Fred Meyer,**

Defendant.

No. 3:18-cv-01488-AR

OPINION AND ORDER

MOSMAN, J.,

On May 3, 2022, Magistrate Judge Jeffery Armistead issued his Findings and Recommendation (F&R) [ECF 88], recommending that Plaintiffs' Motion for Voluntary Dismissal of Certain Plaintiffs' Claims Without Prejudice and Without Conditions [ECF 67] and Motion for Protective Order [ECF 68] should be granted. Defendant filed its objections [ECF 92], and Plaintiffs responded [ECF 95].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or


recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Armistead's recommendation, and I ADOPT the F&R [ECF 88] as my own opinion. The Motion for Voluntary Dismissal of Certain Plaintiffs' Claims Without Prejudice and Without Conditions [ECF 67] and Motion for Protective Order [ECF 68] are GRANTED.

IT IS SO ORDERED.

DATED this 4th day of August, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge